

Pro Se 7 (Rev. 09/16) Complaint for Employment Discrimination

UNITED STATES DISTRICT COURT

for the

Northern District of Alabama

2022 SEP 16 A 11:07

U.S. DISTRICT COURT
N.D. OF ALABAMA

Case No.

2:22-cv-1201-SGC

(to be filled in by the Clerk's Office)

Angela Cummings

Plaintiff

(Write your full name. No more than one plaintiff may be named in a pro se complaint.)

Jury Trial: (check one) ☐ Yes ☐ No

-v-

Wayne Farms

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Angela Cummings

Street Address

112 B Charold St

City and County

Troy, Pike

State and Zip Code

AL 36081

Telephone Number

(334) 296-1409

E-mail Address

angela1963cummings@gmail.com

Pro Se 7 (Rev. 09/16) Complaint for Employment Discrimination

☒ Check here to receive electronic notice through the email listed above. By checking this box, the undersigned consents to electronic service and waives the right to personal service by first class mail pursuant to Federal Rules of Civil Procedure 5(b)(2), except with regard to service of a summons and complaint. The Notice of Electronic Filing will allow one free look at the document, and any attached PDF may be printed or saved.

8/17/22
Date

Angela Cunningham
Participant Signature

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

Wayne Farmer
Manufacturer
1020 Co Rd 114
Jack, Coffee
AL 36346
(334) 897-3435

Defendant No. 2

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

Defendant No. 3

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

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Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name

Street Address

City and County

State and Zip Code

Telephone Number

Wayne Farms
 1020 Co Rd 114
 Wok / Coffee
 AL 36346
 (334) 897-3435

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law *(specify the federal law)*:

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- ☐ Relevant state law *(specify, if known)*: _____
- ☐ Relevant city or county law *(specify, if known)*: _____

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

Feb. 23rd, 2022

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

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D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____
- _____

E. The facts of my case are as follows. Attach additional pages if needed.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)* _____

B. The Equal Employment Opportunity Commission *(check one)*:

- ☐ has not issued a Notice of Right to Sue letter.
- ☒ issued a Notice of Right to Sue letter, which I received on *(date)* _____.
- (Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

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C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (*check one*):

- ☐ 60 days or more have elapsed.
☒ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I was terminated based on race. Asking the Court for punitive damages caused due to discrimination for \$200,000.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff _____

Printed Name of Plaintiff _____

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B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

Brian

Angela Cummings <angela1963cummings@gmail.com>

Thu 9/8/2022 11:37 AM

To: The UPS Store #2803 <store2803@theupsstore.com>

CAUTION! This email originated from outside of the organization. Please do not open attachments or click links from an unknown or suspicious origin.

2/23/220 I went into Brian's office me and the union rep to discuss a complaint due to marination he wants to know about my work skills so one of the QA who name was Karen complaining against my work performance on her tablet she said that I went in her tablet and change her numbers that is false I have never went in her tablet I don't know her identification number so I don't understand why she would complain on me that way she had not been over there but a week and she trained for 3 days watching me the next week I put line 2 on the scale by herself showing her how to check her meat that she have to keep running checking her meat until the time run out so that she can do her net weight and again I don't understand why she will complain on me I did all I could to help her but when she could put marination and asking me about them running the boxes through the scale so that she couldn't get her net weights and they didn't do her like that but when I'm over there she don't they don't do that cuz they know I'll go tell Gerald and he told them that they could not do that all boxes should hit the scales when taking zaxby tenders you weight them by a pound then you weight them by grams so that where your number will come out correct but the tablet don't never fail if performance I've been over there almost a year and a half I've been in AMF and I also have a laptop there and I have trained people over there no one complaining about I'm doing no false information I give them down right from the top to the bottom of all information that they like to know I have also went to perimeter checking work over there making sure all the work is completely the tenders the wings never had no complaints went to DSi was trained at DSi so I know how to do that work I have done it once by myself and I never had no complaints I never went to no one else's tablet I've always had my own tablet I've always had my own term. on 2/23/220 I'll had also was training Karen how to do the she's on the schedule with me to do the term so she can do them correctly.so I think she got upset with me when I did try to correct her with that she said someone told her something different and I asked her who told her that and she said Melissa Shaw and I knew that wasn't right cuz we all QA in that know how to do the term exceptA the new QA which it was not right and again I'm sure you my work performance. am not that person that Karen said that it was I do everything and anything to help someone but I will not tolerate anyone telling a lies

Brian

Angela Cummings <angela1963cummings@gmail.com>

Thu 9/8/2022 11:37 AM

To: The UPS Store #2803 <store2803@theupsstore.com>

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That I have been doing all this training with Karen when no supervisor were there i showing Karen how to do pre-op showing Karen the right way Karen been followed me for a long time of learning how to do things correctly now it's becoming to be a problem with her or complaining on me I don't understand how people could do other wrong but they don't know wrong with all of you wrong I did all I can to help Karen I done did all the training to help her yes I'm glad that I know that she was the one that complaining on me but if you don't know marination and how fast those people have to work to get another order followed behind an order you can't say that they running boxes through the scales and that's how fast they work is she the took time out instead of complaining on me and looking how they work then she will understand how marination run the line be a fast and they work fast the boxes is coming down fast so and as I had stated before I have never seen them passing boxes through but one time and that time I told Gerald it came out and he told them not to do that because every boxes need to be counted for and when you put on hold combos we put holding tape on there because marination cannot run if the lady tells me that the measurement is off we have to put it on hold nothing in marination Don't pass me

Union Rep Syrena

Angela Cummings <angela1963cummings@gmail.com>

Thu 9/8/2022 11:37 AM

To: The UPS Store #2803 <store2803@theupsstore.com>

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3/2/2022 Serena had called me to let me know about the outcome or what did Brian had to say about my suspension. Now my suspension went from there to termination because of four QA was under my investigation told them that I also had went into the tablet and change numbers to. So now it led my terminated. And that's not the real story of my termination my termination is they send both five information on Qa. That chicken fillet did they own checks and the boxes but three peoples over there marination so I don't know where is the number four person come from. I'm still proving my case I have to be at the job for 10:15 on 3/14/2022. I don't know what they want me to understand I don't know what they trying to prove but I'm tired my heart is not doing correctly I've been stressed out ever since I've been over and marination by myself for a year and a half they would never put anybody over there so I had to run three lines by myself and when the third line is not running it's always two it's a lot of work on one person but I manage it for them to say that I'm lying that I'm falsifying information on QA records.

Connie union rep

Angela Cummings <angela1963cummings@gmail.com>

Thu 9/8/2022 11:39 AM

To: The UPS Store #2803 <store2803@theupsstore.com>

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3/10/22 the union rep Connie calling to let me know that they cancel my appointment for March 14th on the Monday the other rep Syrena had an emergency to come up so they going to make me another arrangement.

Syrena

Angela Cummings <angela1963cummings@gmail.com>

Thu 9/8/2022 11:39 AM

To: The UPS Store #2803 <store2803@theupsstore.com>

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The union rep text me and let me know another appointment have been made on Friday 3/18/2022 for another appointment for Friday morning.

The final meeting at Wayne farm

Angela Cummings <angela1963cummings@gmail.com>

Thu 9/8/2022 11:39 AM

To: The UPS Store #2803 <store2803@theupsstore.com>

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On Friday 3/18/22 I met with Brian, Syrena, ms Carol nothing has changed they still without them about the tablet that Karen made it a complaint on he also said about the three people that also made a complaint on it and I told them that I knew who they were because I only trained in three people in this year and he said that was part of the investigation he still was talking about the weights the the audit and her complaint of everything being so I'm being lower and so I'm being high so I felt like we was going into circles and I just asked him and stuff can I get mine my vacation days and he responded we don't normally pay for the vacation days and as I told him I got those vacation days before this episode happened but he was saying that the supervisor them didn't want me back and that's something I really couldn't understand because I don't have to be a QA I can work anywhere else but my heart still feel like that something else is going wrong like they trying to throw some stuff out on me cuz he keep going into circles but it ain't all about the tablet it's something else that he's not explaining to me. So the union reps Syrene was not happen she mostly like on his side as the sound of it then she asked me why would the three women have complaints on me I don't think that I could have explained it cuz it really was going to change anything about it Cynthia Smith doesn't have we do the shipping because she leaves some out she don't go and check perimeter scale Karen said that she didn't feel comfortable about me going on a tablet but then she feel comfortable when she killed the four year old and got on free with it. just a follow just talk about people all day long everyday some people don't want to hear that they come to work she miss it so she was just a follow is went down the line and they was talking about like how can they basically come if you in a group together you can come up with the same answer so that's still no excuse what they did to me hope people can go in a paddle so I wasn't helped by the Union at all to save my job. His decision with 3 days after I got suspended but he also keeps saying that he could change turn it around and like I told him I was happy because I knew I was lied on and there was nothing else to say about it I was done with it I told this about a chapter. syrene Union rep made me feel like she was on Brian them side she didn't represent me as good as she needed to be done she was more like against me and I'm knowing that I'm telling I'm telling the truth about going in other people tablet but she sitting up there all pretty and act like she's not comprehend on what Brian I'm telling me I was falsified represented against my union rep I paid them for 3 years to represent me to keep me from losing my job over stuff like this here and I felt real bad a towards the how she handled things.

January 18th Wayne

Angela Cummings <angela1963cummings@gmail.com>

Thu 9/8/2022 11:40 AM

To: The UPS Store #2803 <store2803@theupsstore.com>

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Doing the pre-op about 5:45 that morning no one checked it DSi 3 so Melissa Shaw came to marination because Felicia Ward told her that I checked it and I told Melissa I did not check it she said someone have to check if somebody got signed this paper I said well I'm not going to sign it cuz I didn't check that area so if you want to be sign you sign that paper. I was tired I was going to do all everybody's work I do AMF by myself I did marination by myself I was tired look like to me they wanted me to do all the pre-ought why they just stand around I was only trying to help everybody but I got tired too because they were trying to like they were trying to use me. So I went on by my day.